

ACCESS OF GUARDIAN TO ASSETS HELD BY FINANCIAL INSTITUTIONS

(DECLARATION OF GUARDIAN: ASSETS HELD IN FINANCIAL INSTITUTIONS)

King County Superior Court Facilitators: Instruction # G-3
King County Local Rule 98.20
RCW 11.92.096

The form, Declaration Of Guardian: Assets Held In Financial Institutions, is used to provide notice to a financial institution, insurance company or securities dealer (hereafter "institution") that the Guardian is entitled to access the incapacitated person's assets held by the institution (for purposes of inventorying, utilizing, transferring or blocking the held assets). By requiring filing of the form with the Clerk's Office, the form also provides a means for the court to confirm the nature and value of the incapacitated person's assets held by institutions.

STEP 1: OBTAIN AND COMPLETE THE REQUIRED FORMS

- [Declaration of Guardian: Assets Held In Financial Institutions](#). Fill in the case caption and case number, and the blanks on each page of the form. Complete a separate form for each account or asset. Such assets include bank accounts, life insurance policies with cash value, securities (i.e. stocks and bonds) accounts and safe deposit boxes.
- If the asset is a safe deposit box and its contents, the guardian must also prepare an **inventory of the contents** of the safe deposit box while in the presence of an employee of the financial institution. The inventory must include a statement signed by the employee stating that the inventory appears to be accurate. Once completed, the inventory must be attached to the completed Declaration.
- For each Declaration, you will also need to obtain a Certified Copy of your **Letters of Guardianship**, which you must attach to the completed Declaration.
- An **envelope**, with postage prepaid, addressed to the Clerk's Office issuing the letters of guardianship.

STEP 2: TALK TO AN ATTORNEY IF POSSIBLE

These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing

your action. If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for a lesser cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low income people. Contact the Facilitators' office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people.

STEP 3: MAKE COPY; DELIVER DECLARATION, ATTACHMENTS AND ENVELOPE TO FINANCIAL INSTITUTION; COMPLETE INVENTORY OF SAFE DEPOSIT CONTENTS (if applicable)

Make one copy of all forms for your records.

Deliver the original completed Declaration and attachments, and postage prepaid envelope, to the financial institution. Ask the financial institution to send your completed Declaration and all attachments to the Clerk's Office, **together with a statement signed by an agent of the financial institution** stating that the description of the asset as set forth in the Declaration appears to be accurate, and confirming the value of the asset in the case of a cash asset.

If the asset is a safe deposit box and its contents, prepare an **inventory of the contents** of the safe deposit box while in the presence of an employee of the financial institution. The inventory must include a statement signed by the employee stating that the inventory appears to be accurate. Once completed, the inventory must also be attached to the completed original Declaration, for mailing by the institution to the Clerk's Office for filing.

WARNING: These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will <u>not</u> guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a <i>Legal Resource List</i> or call the King County Bar Association.
--